

**State of Idaho****DEPARTMENT OF WATER RESOURCES**

1301 North Orchard Street, Boise, ID 83706 - P.O. Box 83720, Boise, ID 83720-0098
Phone: (208) 327-7900 Fax: (208) 327-7866 Web Site: www.idwr.state.id.us

DIRK KEMPTHORNE
Governor

KARL J. DREHER
Director

February 18, 2003

Michael C. Creamer
Givens Pursley, LLP
P.O. Box 2720
Boise, ID 83701

Dear Mr. Creamer:

I am writing in response to your letter dated December 3, 2002, which addressed the control and measurement of surface water diversions on the Big Lost River and tributaries above Mackay Reservoir.

The Department, working in conjunction with the Water District 34 Watermaster, intends to enforce the order requiring the installation of appropriate control works and measuring devices on diversions from Warm Springs Creek, Pole Stackyard Creek, Parsons Creek, and the Big Lost River above Mackay Reservoir. Department staff continued inspection of diversions from Parsons Creek and Pole Stackyard Creek in October 2002. The Department also plans to inspect diversions with the Watermaster prior to the beginning of the 2003 irrigation season to evaluate compliance with the order.

The Department is currently in the process of adding diversions from Warm Springs Creek, Pole Stackyard Creek, Parsons Creek, and the Big Lost River above Mackay Reservoir to the Big Lost River water right accounting program and Watermaster data entry program. We anticipate that this will facilitate improved and timelier record keeping and accountability for the measurement of diversions above the reservoir.

We have also reviewed satellite imagery from the 2002 irrigation season with respect to legal places of use. Irrigated farm ground located outside of a legal place of use was not observed upstream of Mackay Reservoir. If sufficient funding is available, the Department will try to obtain additional satellite imagery for future irrigation seasons to inspect for potential illegal expansions in place of use.

As you mentioned in your letter, the Department may have some limited resources this year because of state budget constraints. The real limitation though will be due more to current drought conditions and stretching of the Department's staff and resources to assist other water districts across the state. However, I have recently committed to the Water District 34 Advisory Committee that the Department will provide some staff assistance this spring in review and inspection of diversions above the Mackay Reservoir. In order to

achieve compliance with the control and measuring device requirements in Water District 34, the district must also be committed to enforcing these requirements. The Water District may need to increase its annual budget to fund adequate deputy watermaster staffing above Mackay Reservoir.

Sincerely,

A handwritten signature in black ink, appearing to read "Tim Luke", with a stylized, cursive script.

Tim Luke

Water Distribution

cc: Doug Rosenkrance, Watermaster
Harold Jones, IDWR Eastern Region
Blake Quinn
Jolene Zollinger

A006\Water Measurement\Lost River WD34\Corrspndc\2003\Creamer2_13.doc